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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,382	04/01/2004	Hideya Kawahara	SUN04-0556-EKL	2887

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SUN MICROSYSTEMS INC.
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2820 FIFTH STREET
DAVIS, CA 95618-7759

EXAMINER

SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,382

Applicant(s)

KAWAHARA ET AL.

Examiner

Phenuel S. Salomon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/05, 7/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment file on May 2, 2007.
2. Claims 1, 11 and 21 are amended and claims 1-30 are pending.
3. The previous objections to the specification have been withdrawn due to the fact that the applicant has positively addressed the issues.
4. The rejection of claims 1, 11 and 21 under 35 U.S.C. 102 (b) as being anticipated by Padula (US 6,330,486) has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 11-18, and 21-28 remain rejected under 35 U.S.C. 103(a) as being anticipated by Padula (US 6,330,486) in view of Yamada (US 6,832,192 B2).

Claims 1, 11 & 21: Padula discloses a method, a computer-readable storage medium and an apparatus for generating spatialized audio from non-three-dimensionally aware applications, comprising:

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intercepting parameters (properties) associated with audio use from an application (col. 1, lines 54-59);

location information of a display window associated with the application within a three-dimensional display (col. 3, lines 9-15 and lines 44-53);

calculating an audio source location for the audio (col. 2, lines 24-32).; and

positioning the audio at the audio source location in a three-dimensional sound space, wherein the audio source location is associated with a location of the display window in the three-dimensional display (col. 2, lines 60-67),

But Padula does not explicitly disclose:

using the intercepted parameters to obtain... However, Yamada discloses using a parameter value acquired from a partial speech segment (col. 3, lines 11-16). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include using the intercepted parameter in Padula. One would have been motivated to do so in order to efficiently acquired the right parameters while generating the spatialized audio.

Claims 2, 12 & 22: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses intercepting information about audio use involves intercepting an audio stream from the application (col. 3, lines 55-60).

Claims 3, 13 & 23: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses intercepting information about audio

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use involves intercepting parameters (coordinates) associated with an audio stream from the application (col. 3, lines 60-67).

Claims 4, 14 & 24: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses obtaining location information of the display window associated with the application involves determining a set of coordinates on the three-dimensional display where the display window is located (col. 8, lines 12-30).

Claims 5, 15 & 25: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, wherein calculating the audio source location involves using the location of the display window to calculate coordinates for the audio source location so that audio from the audio source location appears to originate at the location of the display window (col.9, lines 22-35).

Claims 6, 16 & 26: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 1, 11 & 21 above, Padula further discloses intercepting information about audio use involves inserting wrapper code around an audio application programming interface (API) to intercept calls to the audio API (col.3, lines 60-67).

Claims 7, 17 & 27: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 6, 16 & 26 above, Padula further discloses the audio API routes intercepted audio information to a three-dimensional window (scene) manager (col. 5, lines 27-38).

Claims 8, 18 & 28: Padula and Yamada disclose a method, a computer-readable storage medium and an apparatus as in claims 7, 17 & 27 above, Padula further discloses the three-dimensional window manager manipulates the audio information to position an apparent audio location prior to sending the audio information to code underlying the audio API (col. 5, lines 27-53).

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7. Claims 9-10, 19-20 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padula (US 6,330,486) in view of Gibson (US 5,812,688).

Claims 9, 19 and 29: Padula discloses a method, a computer-readable and an apparatus as in claims 1, 11 and 21 above, but does not explicitly disclose “reducing audio volume of other applications when a given application is issuing a request for a warning tone, wherein reducing audio volume of other applications causes the warning tone from the given application to be predominant. Gibson discloses “changes in volume of the reverb effect” (col. 7, lines 14-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include this feature in Padula. One would have been motivated to do so in order to efficiently tune out sounds in which one’s not interested.

Claims 10, 20 and 30 and : Padula discloses a method, a computer-readable and an apparatus as in claims 1, 11 and 21 above, but does not explicitly disclose “when a given application is issuing a request for user attention or the three-dimensional window manager decides to get the user’s attention to a certain application running in the three-dimensional window, the method further comprises applying spatial audio effects to the audio that the application is generating, wherein the spatial effects include panning the audio source location in the three-dimensional space left and right repeatedly and rapidly”. Gibson discloses an “aural effect where the sound is stretched and a delay panned from left to right” (col. 7, lines 5-13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include this special effect in Padula. One would have been motivated to do so in order to demonstrate the sound dynamics that occur between speakers.

Response to Arguments

8. Applicant's arguments filed on 05/02/2007 have been fully considered but they are not persuasive.

With respect to claim 1, applicant argues:

Padula does not teach the claim limitations "intercepting parameters associated with audio use from an application." Specifically, column 1, lines 54-59 of Padula do not teach these limitations either explicitly or implicitly.

In response, examiner respectfully disagrees and notes that Padula discloses "a sound node that defines sound generation properties in a computer language (VRML)" at (col. 1, lines 54-59) and such properties can be source location, intensity, direction and effective angle of the generated sound.

With respect to claim 1, applicant argues:

Padula does not teach the claim limitations "using the intercepted parameters associated to obtain location information of a display window associated with the application within a three-dimensional display." Specifically, column 3, lines 9-15 do not teach these limitations explicitly or implicitly.

Other arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Zettsu (US 6,980,205) discloses method and apparatus for fixing display apparatus.
 - b. Otsuka et al. (US 5,745,651) discloses speech synthesis apparatus and method for causing a computer to perform speech synthesis by calculating product of parameters for a speech waveform and a read waveform generation matrix.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272 4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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PSS

6/27/2007

Stephen Hong
Supervisory Primary Examiner

See Pg 6

DETAILED ACTION

1. This action is in response to the amendment file on May 2, 2007.

2. Claims 1, 11 and 21 are amended and claims 1-30 are pending.

address the previous objection Is it withdrawn? why?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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Other arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Where's the new ground?

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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PSS *P.S.S.*
6/27/2007

Stephen Hong
Supervisory Primary Examiner